

SENATE BILL 3174

By Gilbert

AN ACT to establish a land investment program, to be administered by the Tennessee department of environment and conservation, natural heritage division, which creates an interagency committee, with public and private members and grants this body the power necessary to purchase or otherwise acquire conservation lands of significance to the state.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. (a) The general assembly recognizes that in order to maintain Tennessee's high quality of life, economic growth must be balanced with responsible conservation investments. The history of conservation in Tennessee has been marked by cooperation among government, business, conservation organizations and individuals. The general assembly further recognizes the strong traditions of both private and public land ownership and use and the current need to establish a program to invest in natural resource lands for the state and for the perpetual use of the citizens of Tennessee. Because there is a current and growing need to invest in the conservation of resource lands and the state currently lacks an established procedure, the Tennessee land investment program is established.

Its purpose is to preserve, improve and stimulate the quality of life, rural character, natural resources and natural landscapes by acquiring lands and interests therein that are of statewide, regional and local importance. Importance may be based upon the aesthetic, biological, ecological, historical, archaeological, scenic, or cultural qualities of the land including, but not limited to land, water, air, wildlife, scenic qualities, open spaces and buildings or any

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interest therein, and other appurtenances pertaining in any way to the state. These lands may include, but are not limited to aquifer recharge areas, forested watersheds, recreation lands, farmlands, forest lands, plant and wildlife habitats, wetlands, significant natural and open space areas, historic sites and sites with scenic features.

(b) The Tennessee land investment program has perpetual existence subject to modification or termination by the general assembly if necessary to effectuate its purpose or when and if its substantial purpose ceases.

SECTION 2. The Tennessee land investment program shall be administered by the natural heritage section of the department of environment and conservation. Decisions about land acquisition are to be made by a multi-member committee consisting of representatives from various state agencies, citizen representatives and representatives from the business and environmental communities.

SECTION 3. (a) This governing body shall consist of members from the natural heritage division, including the administrator of that division, and various state agencies including:

- (1) the commissioner of the department of environment and conservation;
- (2) the commissioner of the department of agriculture;
- (3) the state treasurer or his designee;
- (4) a representative of the office of general counsel in the department of environment and conservation; and
- (5) the head of the parks division.

Members will serve three (3) year terms to run from the first annual meeting.

(b) Other members shall be appointed by the governor as follows:

- (1) two (2) citizen members with a demonstrated interest in conservation;
- (2) two (2) representatives from both the business and environmental communities. Such representatives may, but are not required to be, selected

from the Tennessee county service association, the Tennessee municipal league, the Tennessee association of business, the Tennessee environmental council, or the Tennessee chapter of the Sierra Club.

(c) The committee members shall elect, by majority vote, a chair from among the assembled members. The committee shall meet at least four (4) times per year at places and times that they determine. The chair may call additional meetings and must call a meeting at the request of four (4) or more committee members. Seven (7) committee members shall constitute a quorum.

SECTION 4. (a) The Tennessee land investment program shall acquire lands through voluntary negotiations with landowners and utilization of all available federal, state, local, private and other matching funds and incentives, lands, easements, development rights and other interests in lands for the primary purposes of protecting and acquiring conservation lands. All deeds and other documents evincing purchase of fee interest or other interest in land under this act shall be drawn and held in the name of the state of Tennessee.

(b) The committee may:

(1) adopt rules relative to criteria and guidelines for identifying and acquiring lands in accordance with the purposes of this act;

(2) enter into contracts with private entities either for the purchase of specified lands or for services necessary to carry out this act;

(3) acquire real and personal property and any interest therein by purchase or donation;

(4) acquire interests in land by means of land exchanges; and

(5) accept gifts and donations of money, including money from fundraising activities, land, interests in land, federal, local and private matching funds and other assets to be deposited in the fund for the purpose of this act.

(c)(1) The committee shall administer the affairs of the program and execute all policies and decisions of the committee.

(2) The committee will receive and is required to respond, in writing, to requests or recommendations on land acquisition.

(3) The committee shall evaluate the proposed lands to determine whether the parcel meets the criteria of the program.

(4) The committee shall submit their findings and recommendations for land acquisition to the public and receive comment on their findings and recommendations. To ensure adequate participation, the committee shall provide public notice pursuant to Tennessee Code Annotated, Title 8, Chapter 44. In responding to these concerns, the committee shall publish a response adequately addressing the public comments and concerns.

(5) The committee shall report annually to the governor and the general assembly on their activities and acquisitions during the previous year together with any requests deemed appropriate to further the interests of the committee and the program.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring

it.